

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



W3a

February 16, 2006

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Steve Monowitz, District Manager
Jonathan Bishop, Coastal Planner

SUBJECT: COUNTY OF SAN LUIS OBISPO LCP AMENDMENT NO. SLO-MAJ-1-04 (PART 1) CERTIFICATION REVIEW: Concurrence with the Executive Director's determination that the action of the County of San Luis Obispo accepting the Commission's certification of LCP Amendment No. SLO-MAJ-1-04 (Part 1) is legally adequate. For Commission review at the meeting of March 8, 2006 in Monterey.

A. BACKGROUND

The Commission acted on County of San Luis Obispo LCP Amendment No. SLO-MAJ-1-04 Part 1 on July 14, 2005. The amendment includes changes to the Flood Hazard (FH) Combining Designation section of the certified Local Coastal Program (LCP) Implementation Plan (IP), also known as the Coastal Zone Land Use Ordinance (CZLUO) to: 1) change each instance where "County Engineer" is referenced in the ordinance to "Director of Public Works"; 2) modify the applicability of construction standards for developments within flood hazard areas to include new structures and any improvement/repair to an existing structure where the value proposed is more than 50% of the market value before the start of construction or damage that required the repair; 3) provide additional construction standards for developments in coastal high hazard areas; and 4) modify the definitions of "Breakaway Walls" and "Structure" to conform with federal law and replace the "County Engineer" definition with a definition of "Director of Public Works."

The Commission rejected the amendment as submitted but certified the proposed amendment to the LCP if modified to include a general standard for hazard avoidance before FEMA construction standards are applied. In situations where hazard avoidance is not feasible, the suggested modifications require the implementation of FEMA construction standards and minimization of development within flood hazard areas. In addition, the suggested modifications call for a prohibition on subdivisions within hazard areas where the resultant parcel does not provide a building area outside of the designated hazard zone. For all development in coastal high hazard areas, the suggested modifications require that the applicant waive all rights to future

**County of San Luis Obispo LCP Amendment No. SLO-MAJ-1-04 (Part1)
Certification Review**

shoreline devices intended to protect the new development from coastal hazards. The modifications further require additional studies in areas with tsunami inundation potential.

B. EFFECTIVE CERTIFICATION

On January 10, 2006, the County of San Luis Obispo Board of Supervisors held a public hearing and adopted Resolution No. 2006-6 which acknowledged receipt of the Commission's resolution of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the County's LCP (see Exhibit A).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the County of San Luis Obispo's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of County of San Luis Obispo LCP Amendment No. SLO-MAJ-1-04 (Part 1) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the County of San Luis Obispo accepting the Commission's certification of County of San Luis Obispo LCP Amendment No. SLO-MAJ-1-04 (Part 1) is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

February 6, 2006

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95065

SUBJECT: Resolution acknowledging receipt of the Coastal Commission's Certification of LCP Amendment #1-04 - Part 1

On January 10, 2006, the Board of Supervisors adopted a resolution acknowledging receipt and agreeing to the Coastal Commission's modified language pertaining to Local Coastal Plan - Amendment Number 1-04, Part 1. A copy of the resolution and accompanying exhibits are enclosed.

We are now producing replacement pages which reflect the changes made by this amendment. We will send you a copy of the replacement page package as soon as it is available.

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kami Griffin", is written over a circular stamp.

Kami Griffin
Supervising Planner

CCC Exhibit A
(page 1 of 5 pages)

~~PLANNING~~
K. GRIFFIN

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day January 10, 20 06

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson
and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

RESOLUTION NO. 2006-6

RESOLUTION ACKNOWLEDGING RECEIPT AND AGREEING TO CALIFORNIA COASTAL
COMMISSION'S MODIFIED LANGUAGE PERTAINING TO
LOCAL COASTAL PLAN - MAJOR AMENDMENT NUMBER 1-04 - PART 1

The following resolution is now offered and read:

WHEREAS, the County of San Luis Obispo Board of Supervisors conducted a public hearing on March 16, 2004, and approved amendments to the Coastal Zone Land Use Element/Local Coastal Plan; and

WHEREAS, the County submitted Local Coastal Plan - Major Amendment Number 1-04, to the California Coastal Commission for certification on April 16, 2004; and

WHEREAS, on July 14, 2005, the California Coastal Commission recommended modified language in Local Coastal Plan - Major Amendment Number 1-04- Part 1; and

WHEREAS, on July 14, 2005, the California Coastal Commission certified Local Coastal Plan - Major Amendment Number 1-04- Part 1 provided certain modified language suggested by the California Coastal Commission was adopted by the County, said language is contained in the California Coastal Commission staff reports, dated November 30, 2005, attached hereto and incorporated by reference herein; and

WHEREAS, pursuant to the California Code of Regulations, title 14, sections 13544(a), 13544.5(a), 13547(a) and 13551(b), the San Luis Obispo County Board of Supervisors may now accept and agree to the terms and modifications suggested by the California Coastal Commission on Local Coastal Plan - Major Amendment Number 1-04 - Part 1, and take formal action to satisfy the terms and modifications.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the tenth day of January, 2006, that the Board of Supervisors of San Luis Obispo County, acknowledges receipt and hereby agrees to the modified language, as suggested by the California Coastal Commission, without further changes, pertaining to Local Coastal Plan Major Amendment Number 1-04- Part 1 as set forth in Exhibit "A", attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the Land Use Element and Local Coastal Plan, be amended and adopted as follows:

1. As to California Coastal Commission's suggested modification language, the Board of Supervisors takes the following action:

a. The Board of Supervisors accepts the modified language suggested by the California Coastal Commission pertaining to Agricultural Preserves - as it implements the California Coastal Commission's recommendation by amending and adding the language as it appears on Exhibit A attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to California Code of Regulations, title 14, sections 13544.5(b) and 13547(b), the Board of Supervisors directs staff to submit this resolution to the Executive Director of the California Coastal Commission for a determination, in writing, that the County's action is legally adequate to satisfy the conditions of certification set forth in the California Coastal Commission's certification order.

Upon motion of Supervisor Patterson, seconded by Supervisor Ovitt, and on the following roll call vote, to wit:

AYES: Supervisors Patterson, Ovitt, Bianchi, Lenthall, Chairperson Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

K.H. ACHADJIAN

Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

[SEAL]

By: MELANIE FOSTER Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: [Signature]
Deputy County Counsel
ant.

Date: 12/29/05

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss
I, JULIE L. RODEWALD, County Clerk of the above
entitled County, and Ex-Officio Clerk of the Board
of Supervisors thereof, do hereby certify the fore-
going to be a full, true and correct copy of an order
entered in the minutes of said Board of Super-
visors, and now remaining of record in my office.
Witness, my hand and seal of said Board of
Supervisors this JAN 12 2006
JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
By Melanie Foster
Deputy Clerk

EXHIBIT A

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite consistency findings. If the County of San Luis Obispo accepts the suggested modifications within six months of Commission action (i.e., by January 14, 2006), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

1. CZLUO Section 23.07.065 - General Hazard Avoidance

Add a new CZLUO Section 23.07.065 – General Hazard Avoidance:

A. New Development in Flood Hazard Areas

New structural development, including expansions, additions and improvements to existing development, shall be located outside of flood hazard areas to the maximum extent feasible. All new structural development located in a flood hazard areas, including expansions, additions, improvements, and repairs to existing development, shall be constructed consistent with the standards set forth in Section 23.07.066

B. Improvement/Repair to Existing Structures in Flood Hazard Areas

Where the value of improvements or repairs to existing structures located in flood hazard areas is greater than 50% of the market value of the existing structure before the start of construction of the new structure or any improvement, and prior to the damage requiring the repair, all structural development (existing and proposed) shall be located outside of flood hazard areas to the maximum extent feasible. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a "Certified General License" issued by the State Office of Real Estate Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.

Any structural development (existing and proposed) that cannot be located outside of flood hazard



areas shall be constructed and/or reconstructed consistent with the standards set forth in Section 23.07.066.

C. Land Divisions in Flood Hazard Areas

Land divisions, including lot line adjustments, are prohibited within hazard areas where they create new buildable areas within a hazard zone.

2. CZLUO Section 23.07.066 – Construction Standards

Delete the preamble of this section:

~~New structures or any improvement/repair to an existing structure (including manufactured homes) where the value propose is more than 50 percent of the market value of that existing structure before start of construction of the new structure or any improvement, and prior to the damage requiring the repair are subject to the following construction standards. This can be determined by the assessment roll or by a current appraisal. The appraisal shall be completed by an appraiser with a “Certified General License” issued by the State Office of Real Estate Appraisal and shall determine full market value of the existing site improvements based on the Uniform Standards of the Professional Appraisal Practices as published by the Appraiser Standards Board of the Appraisal Foundation.~~

3. CZLUO Section 23.07.066(c) –Coastal High Hazard Areas

Revise by inserting the following additional underlined subsection (f):

f. Waiver of Rights to Future Armoring. Where applicants’ geologic assessment/wave run-up studies determine that the new or improved development is sited such that it will not need a shoreline protective device for the life of the structure the applicants shall waive their rights to a future shoreline protective device.

4. Tsunami Inundation Zones

Add a new section to the IP:

Tsunami Inundation Zone. Where feasible, development shall be sited outside of potential tsunami inundation zones, even if not currently designated FH. A Registered Civil Engineer with coastal experience shall make a determination, through examination of the most current tsunami inundation and run-up maps or a wave run-up analysis, whether the site subject to inundation during a tsunami, pursuant to the criteria of Section 23.07.064b. If it is not feasible to site development outside of a tsunami inundation zone, new development shall be in conformance with all provisions set forth in Section 23.07.066(c).



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725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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HEARING IMPAIRED: (415) 904-5200

**March XX, 2006**

Kami Griffin
Supervising Planner
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: ***Effective Certification of County of San Luis Obispo Local Coastal Program Amendment No. SLO-MAJ-1-04 (Part 1)***

Dear Kami,

We have received County of San Luis Obispo Resolution Number 2006-6, adopted by the Board of Supervisors on January 10, 2006. By those actions, the County acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-04 (Part 1), and incorporated the Commission's suggested modifications into the County's LCP.

I have determined, and the Commission has concurred, that the County's action with respect to LCP Major Amendment 1-04 (Part 1) is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's March 8, 2006 meeting in Monterey. As a result, the County's LCP, as amended by LCP Major Amendment 1-04 (Part 1), was certified as of March 8, 2006 and is now in effect.

If you have any questions, please contact Jonathan Bishop of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Steve Monowitz
District Manager
Central Coast District Office

CCC Exhibit B
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